

# MINUTES

## PLANNING COMMISSION

March 10, 2010

PLANNING COMMISSION  
MARATHON GOV'T CENTER  
2798 OVERSEAS HIGHWAY  
MARATHON, FL  
MONROE COUNTY  
March 10, 2010

### CALL TO ORDER

10:02am

### PLEDGE OF ALLEGIANCE

ROLL CALL by Debby Tedesco

### COMMISSION:

Randy Wall, Chairman  
Denise Werling  
Jeb Hale  
Jim Cameron  
Elizabeth Lustberg

present  
absent  
present  
present  
present

### STAFF:

Townsley Schwab, Senior Director of Planning and Environmental Resources  
Susan Grimsley, Assistant County Attorney  
John Wolfe, Planning Commission Counsel  
Mitch Harvey, Comprehensive Plan Manager  
Michael Roberts, Senior Administrator of Environmental Resources  
Tiffany Stankiewicz, Development Administrator  
Debby Tedesco, Planning Commission Coordinator

present  
present  
present  
present  
present  
present  
present

### COUNTY RESOLUTION 131-92 APPELLANT TO PROVIDE RECORD FOR APPEAL

Read into record by John Wolfe

### SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS

### SWEARING OF COUNTY STAFF

Staff sworn in by John Wolfe

### Approval of Minutes

Commissioner Jeb Hale motioned to approve Minutes from Planning Commission Meeting February 24, 2010.  
Seconded by Commissioner Liz Lustberg  
Motion was unanimously approved (4 Commissioners)

### CHANGES TO THE AGENDA

Debby Tedesco, Secretary to the Planning Commission, stated that on the previous agenda (2.21.10 footer) Item #3, 4W Cooks Island, LLC, an appeal of an administrative decision, had been scheduled and advertised for the Public Hearing on March 10, 2010. The applicant failed to timely post the property according to Monroe County Code, Section 110-5. Therefore, this item could not be heard on March 10, 2010 and was removed from the agenda. See Amended Agenda (3.4.10 footer). The Secretary stated that the item was re-advertised and re-noticed properly for the next Planning Commission meeting scheduled for 3.24.10.

## Public Hearing

### New Items:

**1. A public hearing to consider and finalize the ranking of applications in the Dwelling Unit Allocation System** for the October 13, 2009 through January 12, 2010 ROGO quarter (2nd Quarter Year 18). Building permits will be allocated for all unincorporated Monroe County.

10:05am

Read into record by John Wolfe

10:06am

Randy Wall stated he had been in conversation to build a house for an applicant who was on the ROGO ranking list for approval today. He asked John Wolfe if he should recuse himself from the vote because of this conversation.

John Wolfe said Chair Wall did not have to recuse himself, as there was no contract between the parties at this time.

10:07am

Staff Report and Ranking approval was presented by Tiffany Stankiewicz which included approximately 3,000 applicants without a Tier designation with allocations presently held in abeyance.

Staff recommended approval.

Commissioner Jim Cameron asked Ms. Stankiewicz when the issue will be resolved. Ms. Stankiewicz replied that on March 25<sup>th</sup>, 2010 there will be a meeting by the Tier Committee to begin the review process on each lot in question, and the first issues to be addressed will be the ones on the list of applicants without a tier among all the applicants in competition in the ROGO system. She stated that this may take a year or longer to complete and they have to go to the regular Boards such as Development Review Committee (DRC), Planning Commission (PC) and finally Monroe County Board of County Commissioners (MCBOCC).

Chair Randy Wall noted that changing Tier Designations may lower points or in other instances some may raise points.

10:07 – 10:19am

Mike Roberts noted the Tier Designation System was challenged by Last Stand et al, were challenged per sub-division and some are in clearly well developed areas. Final determinations will be made by the Committee established by DCA with back-up provided by County staff.

Commissioner Jim Cameron asked who is on the committee and Mike Roberts stated names he could recall such as a representative from DEP, Parks Division, Richard Grosso and Curtis Kruer are representatives for the plaintiff, Randy Grau from Fish & Wildlife and Julie Cheon from the Florida Keys Aqueduct Authority and private consultant, to name a few.

Commissioner Cameron asked if there were any homeowners on the Committee.

Mike Roberts noted that there are two consultant seats on the Committee to represent the private sector.

Susan Grimsley noted that it is a technical committee and is scientifically oriented.

Mike Roberts stated that there is a very aggressive schedule and noted that there are 85 separate maps (3,000 parcels) to be reviewed by the Committee. He stated his hope is to have recommendations to the Committee by the end of June 2010 after which the public process can begin.

Commissioner Jim Cameron stated that the Tier System was created by area. He noted that if it had been done by parcel, it would have taken longer to complete, but it would have been correct from the start.

Chair Randy Wall asked if holding the allocations in abeyance, rather than giving it to the next person down on the list is done to avoid a law suit.

Susan Grimsley noted that an applicant's tier could change so this was the fairest way to do it. She stated that the allocations are kept in reserve. If scores go down, then the next person would move up. She noted there are approximately 90 applicants in competition for ROGO allocations.

There was no Public Discussion.

Motion was made for approval by Commissioner Jim Cameron.

Commissioner Jeb Hale seconded.

Motion was unanimously approved (4 Commissioners)

2. **A public hearing to consider and finalize the ranking of applications for Non-Residential Floor Area** for all unincorporated Monroe County for the first NROGO allocation Period 1 of Year 18 ending January 12, 2010. Building permits will be allocated for all unincorporated Monroe County

10:19am

Read into record by John Wolfe  
Staff Report by Tiffany Stankiewicz  
Staff recommends approval

10:20am

Public

Owen Trepanier was sworn in by John Wolfe.

Mr. Trepanier stated that the NROGO system itself is flawed and seems unnecessary. He noted that this had been discussed before. He noted the process wastes applicants' time. He suggested changing or eliminating the NROGO process.

10:23am

John Wolfe stated that the 2500 square foot maximum square foot requirement could be changed. He noted that the NROGO system is part of the Comprehensive Plan and would need an amendment to the Comprehensive Plan to change it or eliminate it.

Commissioner Jim Cameron moved to approve.

Commissioner Jeb Hale seconded.

Unanimously approved (4 Commissioners)

#### **BOARD DISCUSSION**

Chair Randy Wall asked if the Planning Commissioners' presence is required at the Winterling hearing and Susan Grimsley answered in the negative.

#### **GROWTH MANAGEMENT COMMENTS**

10:24am

Townsley Schwab stated that workshops with Keith and Schnars are scheduled as follows:

Meeting today with Keith & Schnars and County Division Directors in Key West.

Public Meetings in the evenings to follow:

Tuesday, April 6, 2010 in Key West at the Harvey Government Center

Wednesday, April 7, 2010 in Marathon at the Marathon Government Center

Thursday, April 8, 2010 in Key Largo and the Murray E. Nelson Government & Cultural Center

He noted to the Board that public input is very important and that the Commissioners will be receiving flyers for them to pass out in their districts to get the word out. He noted Keith and Schnars have developed a website for the 2010-2030 Comprehensive Plan update and a link from the Monroe County website will soon be activated.

Commissioner Cameron suggested that the Planning Director or the Growth Management Director call Bill Becker to get on his radio show, "The Morning Magazine" on U.S.1 Radio, 104.1 FM., to promote the workshops. Townsley Schwab acknowledged.

#### **RESOLUTIONS FOR SIGNATURE**

P04-10 ROGO Q2 Yr18

P05-10 NROGO Per2

#### **ADJOURNMENT**

10:30am